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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,138	05/24/2001	Elmootabellah Nabil Elnozahy	AUS920010124US1	1090

44994 7590 02/09/2005

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EXAMINER

NAJJAR, SALEH

ART UNIT PAPER NUMBER

2157

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,138

Applicant(s)

ELNOZAHY, ELMOOTABELLAH
NABIL

Examiner

Saleh Najjar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-7,9-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4-7,9-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This action is responsive to the amendment filed on September 27, 2004. Claims 2, 4, 6-7, 9, 11, 13, 15, 16-17, and 19-20 were amended. Claims 1, 3, 8, and 14 were canceled. Claims 2, 4-7, 9-13, and 15-20 are pending

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 4-7, 9-13, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher et al., U.S. Patent No. 6,658,480.

Boucher teaches the invention substantially as claimed including an intelligent network interface system and method for accelerated protocol processing (see abstract).

As to claim 4, Boucher teaches a network server attached to a network and configured to receive a packet from a client over the network, the server comprising:

An analyzer configured to identify a network portion of the request and a data portion of the request (see figs. 1-7; col. 7, lines 1-30, Boucher discloses that the request packet is analyzed for header and payload data fields);

a verifier configured to receive the network portion of the request identified by the analyzer and, responsive thereto, to verify the integrity of the packet (See col. 7, lines 15-20, Boucher discloses that the packet integrity is verified);

an application program configured to receive the data portion of the packet identified by the processor and, responsive thereto, to retrieve the requested data (see col. 7, lines 20-55; col. 8, lines 1-10; col. 12-18); and

wherein the server is configured to execute the analyzer and the application program simultaneously (see figs. 1-7; col. 7-8, Boucher discloses that the application and analyzer are executed simultaneously).

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Boucher fails to teach the claimed limitation of a parser.

Boucher does teach that the request packet is analyzed and different parts of the packet header and payload are identified and positioned for further processing by the protocol stack or the application program on the server (see col. 7, lines 1-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Boucher by specifying the analyzer processor as the parser processor since the same functionality of identifying the different fields of a request packet is achieved.

Boucher fails to teach the claimed limitation wherein the server is configured to abort the retrieval of the requested data responsive to detecting a fault in the network portion.

However, "Official Notice" is taken that the concept and advantages of aborting a request when the network portion includes a fault is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Boucher by aborting the retrieval of the requested data responsive to detecting a fault in the network portion. One would be motivated to do so to prevent continued processing of the request packet when the network portion includes a fault.

As to claim 2, Boucher teaches the server of claim 4, wherein the packet comprises a TCP/IP formatted packet (see col. 7-8).

As to claim 5, Boucher teaches the server of claim 4.

Boucher fails to teach the claimed limitation wherein the application layer header comprises an HTTP header.

However, "Official Notice" is taken that the concept and advantages of including an HTTP application header is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Boucher by specifying an HTTP application in the host and an HTTP header. One would be motivated to do so since HTTP represents a popular protocol for requesting HTML content on the Internet.

As to claim 6, Boucher teaches the server of claim 1, wherein the server includes multiple processors and wherein the verifier executes on a first of the processors while

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the application program executes on a second of the processors (see figs. 1-7; col. 7-10).

As to claim 7, Boucher teaches the server of claim 1, wherein the server includes a network interface card with an embedded processors, and wherein the verifier executes on the embedded processor while the application program executes on a server processor (see figs. 1-7; col. 7-12).

Claims 9-13, and 15-20 do not teach or define any new limitations above claims 2, 4-7, and therefore are rejected for similar reasons.

4. Applicant's arguments with respect to claims 2, 4-7, 9-13, and 15-20 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Saleh Najjar

Primary Examiner / Art Unit 2157